

Practitioner's Docket No. : MPI02-202P1RNM

PATENT

22264 U.S. PTO
10/728055



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Mulligan, George et al.

For: METHODS FOR THE IDENTIFICATION, ASSESSMENT, PREVENTION AND TREATMENT
OF PATIENTS WITH PROTEASOME INHIBITION THERAPY

1. Type of Application

This new application is for a(n)

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EV393870075US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: December 4, 2003

Sean Hunziker

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. Application Number 60/431,514 filed December 6, 2002.

3. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.

- ☐ A copy of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

178 Pages of Specification, including
174 Pages of Description
3 Pages of Claims
1 Page of Abstract
0 Sheet of Drawings

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☐ Formal
- ☐ Informal

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6. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 C.F.R. Section 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ ___ pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823), Diskette containing computer readable form of Sequence Listing (37 CFR Section 1.821(e) and 1.824), and ___ pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other:

7. Declaration or Oath (including power of attorney)

- ☒ (8 pages) An unexecuted Combined Declaration and Power of Attorney, a copy of which is enclosed.
- ☐ Not Enclosed.

8. Assignment

- ☒ An assignment of the invention to Millennium Pharmaceuticals, Inc. a copy of which
 - ☐ is enclosed.
 - ☒ will follow.

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9. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	26	- 20 =	6	\$18.00	\$108.00
Independent Claims (37 C.F.R. Section 1.16(b))	4	- 3 =	1	\$86.00	\$86.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$290.00			\$0.00

Filing Fee Calculation

\$964.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

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10. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$964.00
- A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.

- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☒ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.

☐ Refund

13. Correspondence Address

Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
Cambridge, MA 02139

December 4, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By Kerri Pollard Schray

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☒ Statement Where No Further Pages Added

- ☒ This transmittal ends with this page.